IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

-

WRIT PETITION NO : 4659 of 2005

Between:

1 Asodi Koti Reddy S/o Kotaiah
R/o Vajjareddipalem, H/o Allur Kothapatnam Mandal, Prakasam District
2 Asodi Venkat Reddy S/o Peddiah,
R/o Vajjareddipalem, H/o Allur Kothapatnam Mandal, Prakasam District
3 Kukkala Koti Reddy S/o Jali Reddy
R/o Vajjareddipalem, H/o Allur Kothapatnam Mandal, Prakasam District
4 Kukkala Subba Reddy S/o Koti Reddy
R/o Vajjareddipalem, H/o Allur Kothapatnam Mandal, Prakasam District
5 Gunimani Pichi Reddy S/o Poli Reddy
R/o Vajjareddipalem, H/o Allur Kothapatnam Mandal, Prakasam District
6 Munnam Jali Reddy S/o Kanki Reddy
R/o Vajjareddipalem, H/o Allur Kothapatnam Mandal, Prakasam District
7 Gummadi yanadi Reddy S/o Venkata Reddy
R/o Vajjareddipalem, H/o Allur Kothapatnam Mandal, Prakasam District
8 Pittu Jwala Narasimhlu S.o Late Venkateswrlu
R/o Vajjareddipalem, H/o Allur Kothapatnam Mandal, Prakasam District
9 Gali Nageswra Rao S/o Late Thirupataiah
R/o Vajjareddipalem, H/o Allur Kothapatnam Mandal, Prakasam District
10 Kunaru Govindu S/o Peda Narasimham
R/o Vajjareddipalem, H/o Allur Kothapatnam Mandal, Prakasam District

..... PETITIONERS

AND

1 The Mandal Revenue Officer, Kothapatnam Mandal, Prakasam District

2 The Revenue Divisional Officer, Ongole, Prakasam District
3 The District Collector, Ongole Prakasam District at Ongole

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the Withdrawal of interim direction dated 14-2-2005 in proceedings NO. 127/(03(D) issued by the 2nd respondent and the proposal for assignment of lands placed before the assistant Committee in Roc.B.1334/2000 dated 3.3.2005, as arbitrary, and illegal and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioners:MR.G.ANJANEYULU

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following:

ORDER:

The Mandal Revenue Officer, 1st respondent, passed an order, dated 03.09.1994 under the provisions of the A.P. Assignment of Land (Prohibition of Transfer) Act, 1977 (for short 'the Act'), directing resumption of the lands of the petitioner in Survey Nos.1763 to 1770 of Kothapatnam Vilage & Mandal, Prakasam District, on the ground that the conditions of assignment and provisions of the Act were violated. The petitioners availed the remedy of appeal before the 2nd respondent. An interim order was granted on 04.09.2003. Subsequently, the 2nd respondent revoked the stay through his order, dated 14.02.2005. The petitioners challenge the same.

Heard learned counsel for the petitioners and the learned Government Pleader for Revenue.

As on today, the appeal preferred by the petitioners against the order passed by the 1st respondent is pending before the 2nd respondent. An interim order was granted way back on 04.09.2003. It is not known as to why the appeal remains undisposed, even after about one and half years. Whatever may have been the reason for non-disposal of the appeal, the 2nd respondent ought not to have vacated the interim

orders, even while the appeal is pending. The only reason stated in the order, dated 14.02.2005, is that the 1st respondent requested the 2nd respondent to withdraw the order of stay granted on 04.09.2003. Hardly there is any application of mind by the 2nd respondent in taking decision to withdraw the interim order. This Court does not find any basis for such an action.

Hence, the writ petition is allowed, and the order dated 14.02.2005, passed by the 2nd respondent is set aside. Consequently, the order of stay granted by him on 04.09.2003 shall remain in force, till he disposes of the appeal. There shall be no order as to costs.

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10.03.2005

Note: Issue operative portion by wire at party's costs.

(B/o)

Jsu

To

1 The Mandal Revenue Officer, Kothapatnam Mandal, Prakasam District
2 The Revenue Divisional Officer, Ongole, Prakasam District
3 The District Collector, Ongole Prakasam District at Ongole

4 Two CCs to the Government Pleader for Revenue, A.P.High Court Buildings, Hyderabad (OUT).

5 Two CD copies.